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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

VALERIE WILLIAMS, an individual,	}	CASE NO. EDCV 13-1954 DDP (DTB)	
Plaintiff,		}	ANSWER TO SECOND AMENDED
vs.			COMPLAINT BY INDIVIDUAL
	}	DEFENDANTS	
COUNTY OF RIVERSIDE, a municipal		DEMAND FOR TRIAL BY JURY	
corporation; STANLEY SNIFF,			
individually and in his official capacity			
as Sheriff-Coroner of Riverside County;			
JEREMY BRACEY, an individual;			
RYAN RAHNER, an individual;			
CARLOS VASQUEZ, an individual;			
STEVEN LYCOPULUS, an individual;			
JOHN KEHRIER, an individual, and			
DOES 1-25, inclusive,			
Defendants.			

The court dismissed portions of the second amended complaint. Defendants **Stanley Sniff, Jeremy Bracey, Ryan Harner, Carlos Vasquez, Steven Lycopulus, and John Kehrier** answer the remaining portions as follows:

///

1 *Nature of the action*

2 1. It is admitted that decedent died on October 21, 2012 and that plaintiff
3 filed this lawsuit. The remaining allegations are denied.

4 *Parties*

5 2. The allegations are denied for lack of information and belief.

6 3. The allegations are denied for lack of information and belief.

7 4. The allegations about plaintiff's relationship with decedent are denied for
8 lack of information and belief. The remaining allegations are denied.

9 5. It is admitted that the County of Riverside is a public entity, and that one
10 department of the County of Riverside is the Sheriff-Coroner. The remaining
11 allegations are denied.

12 6. The allegations about residence are denied due to officer safety. The
13 remaining allegations are admitted.

14 7. The allegations about residence are denied due to officer safety. The
15 remaining allegations are admitted.

16 8. The allegations about residence are denied due to officer safety. The
17 remaining allegations are admitted.

18 9. It is admitted that the County of Riverside is a public entity, and that one
19 department of the County of Riverside is the Sheriff-Coroner. The remaining
20 allegations are denied.

21 10. The allegations about residence are denied due to officer safety. The
22 remaining allegations are admitted.

23 11. The allegations about residence are denied due to officer safety. The
24 remaining allegations are admitted.

25 12. The allegations about residence are denied due to officer safety. The
26 remaining allegations are admitted.

27 13. The allegations about residence are denied due to officer safety. The
28 remaining allegations are admitted.

1 14. The allegations about residence are denied due to officer safety. The
2 remaining allegations are admitted.

3 15. The allegations about residence are denied due to officer safety. The
4 remaining allegations are admitted.

5 16. It is denied that the deputies did what plaintiff alleges. It is admitted that
6 the actual actions of the named deputies were in the course and scope of their
7 employment and under color of state law. Any remaining allegations are denied.

8 17. This paragraph refers to unidentified people. The allegations are denied
9 for lack of information and belief.

10 18. Allegations about unidentified people are denied for lack of information
11 and belief. It is admitted that at times relevant to this complaint, the named
12 deputies were in the course and scope of their employment. The remaining
13 allegations are denied.

14 *Jurisdiction and venue*

15 19. Federal jurisdiction is admitted. Any other intended factual allegations
16 are denied.

17 20. Venue is admitted. Allegations about residence are denied because of
18 officer safety. Any other intended factual allegations are denied.

19 21. Venue is admitted. Any other intended factual allegations are denied.

20 *Relevant time period*

21 22. It is admitted that the subject incident occurred on October 21, 2012.
22 The remaining allegations are denied.

23 *Facts common to all causes of action*

24 23. This paragraph incorporates the allegations of other paragraphs by
25 reference. The responses to those paragraphs are incorporated by reference.

26 24. The allegations are admitted.

27 25. It is admitted that while en route to plaintiff's residence, Deputy Bracey
28 was dispatched to another call of an attempted burglary in progress. The remaining

1 allegations are denied.

2 26. It is admitted that Deputy Bracey identified decedent as the suspect in the
3 attempted burglary in progress and exited his vehicle. The remaining allegations
4 are denied.

5 27. It is admitted that Deputy Bracey talked to decedent and that decedent
6 initially complied with a command to sit on a curb. The remaining allegations are
7 denied.

8 28. It is admitted that at the initial encounter, Deputy Bracey observed
9 decedent to be sweating profusely. It is denied that there was any objective reason
10 at that point to call for paramedics. The remaining allegations are denied.

11 29. It is admitted that decedent was not armed with any weapons. The
12 remaining allegations are denied.

13 30. The allegations are denied.

14 31. It is admitted that Deputy Rahner had encountered decedent during a
15 prior call and recognized him. It is admitted that at the initial encounter, Deputy
16 Rahner observed decedent sweating profusely. It is denied that there was any
17 objective reason at that point to call for paramedics. The remaining allegations are
18 denied.

19 32. It is admitted that during the initial encounter with decedent, Deputy
20 Rahner did not call for paramedics. It is denied that there was any objective reason
21 at that point to call for paramedics. The remaining allegations are denied.

22 33. It is admitted that decedent tried to evade detention. The remaining
23 allegations are denied.

24 34. The allegations are admitted.

25 35. It is admitted that at the initial encounter, Deputy Lycopulus observed
26 decedent sweating profusely. It is denied that there was any objective reason at that
27 point to call for paramedics. The remaining allegations are denied.

28 36. It is admitted that Deputy Lycopulus used a Taser in response to

1 decedent's actions in self defense and in order to take him into custody. The
2 remaining allegations are denied.

3 37. It is admitted that Deputy Lycopulus used a Taser in response to
4 decedent's actions in self defense and in order to take him into custody. The
5 remaining allegations are denied.

6 38. The allegations are denied.

7 39. The allegations are denied.

8 40. It is admitted that at one point deputies Bracey, Rahner and Lycopulus
9 tried unsuccessfully to handcuff decedent. The remaining allegations are denied.

10 41. It is admitted that deputies Kehrier and Vasquez responded to a call for
11 backup. It is denied that there was any objective reason when they arrived to call
12 for paramedics. The remaining allegations are denied.

13 42. It is admitted that deputy Vasquez assisted in handcuffing decedent and
14 it is admitted that Deputy Lycopulus asked Deputy Kehrier to obtain a hobble. The
15 remaining allegations are denied.

16 43. It is admitted that, eventually, the deputies were able to apply handcuffs
17 to decedent and that they applied a hobble strap to his legs because of his kicking.
18 The remaining allegations are denied.

19 44. It is admitted that the deputies put decedent on his side once he was
20 restrained and called for medical attention as soon as there was an objective need to
21 do so, and that medical aid quickly arrived. The remaining allegations are denied.

22 45. It is admitted that decedent was declared dead at a hospital.

23 46. The allegations are denied.

24 47. The allegations are denied for lack of information and belief.

25 48. It is admitted that the Sheriff's Department, under the direction of Sheriff
26 Sniff, trains all deputies on the use of force and on applicable California and federal
27 law, both in the Academy and periodically, and that deputies Bracey and Rahner
28 were so trained. The remaining allegations are denied.

1 49. The allegations are denied.

2 50. It is admitted that plaintiff filed a tort claim and that a copy is attached to
3 the first amended complaint. It is denied that there is more than one plaintiff. The
4 remaining allegations are denied.

5 51. It is admitted that the single tort claim submitted by plaintiff was denied
6 by operation of law on April 22, 2013 and that notice was given the same day. The
7 remaining allegations are denied.

8 *First claim for relief*

9 52. This paragraph incorporates the allegations of other paragraphs by
10 reference. The responses to those paragraphs are incorporated by reference.

11 53. It is admitted that in self defense, and as part of attempting to take
12 decedent into custody and overcome his resistance, a taser was used and some baton
13 strikes were used. The remaining allegations are denied.

14 54. It is admitted that decedent was pronounced dead at a hospital. The
15 remaining allegations are denied.

16 55. The allegations are denied.

17 56. The allegations are denied.

18 57. The allegations are denied.

19 58. This paragraph assumes that the allegations of paragraph 57 were
20 admitted, which is denied. The allegations are therefore denied.

21 59. The allegations are denied.

22 60. The allegations are denied.

23 61. The allegations are denied.

24 62. The allegations are denied.

25 63. The allegations are denied.

26 64. The allegations are denied.

27 65. The allegations are denied.

28 ///

1 *Second claim for relief*

2 66. This paragraph incorporates the allegations of other paragraphs by
3 reference. The responses to those paragraphs are incorporated by reference.

4 67. The allegations are denied.

5 68. The allegations are denied.

6 69. The allegations are denied.

7 70. The allegations are denied.

8 71. The allegations are denied.

9 72. The allegations are denied.

10 73. The allegations are denied.

11 74. The allegations are denied.

12 75. The allegations are denied.

13 *Third claim for relief*

14 76. This paragraph incorporates the allegations of other paragraphs by
15 reference. The responses to those paragraphs are incorporated by reference.

16 77. The allegations are denied.

17 78. The allegations are denied.

18 79. The allegations are denied.

19 80. The allegations are denied.

20 81. The allegations are denied.

21 82. The allegations are denied.

22 83. The allegations are denied

23 84. The allegations are denied.

24 *Fourth claim for relief*

25 85. This paragraph incorporates the allegations of other paragraphs by
26 reference. The responses to those paragraphs are incorporated by reference.

27 86. The allegations are denied.

28 87. The allegations are denied.

1 88. The allegations are denied.

2 89. The allegations are denied.

3 90. The allegations are denied.

4 91. The allegations are denied.

5 92. The allegations are denied.

6 *Fifth claim for relief*

7 93. This paragraph incorporates the allegations of other paragraphs by
8 reference. The responses to those paragraphs are incorporated by reference.

9 94. The allegations are denied.

10 95. The allegations are denied.

11 96. The allegations are denied.

12 97. The allegations are denied.

13 98. The allegations are denied.

14 99. The allegations are denied.

15 100. The allegations are denied.

16 101. The allegations are denied.

17 102. The allegations are denied.

18 103. The allegations are denied.

19 *Sixth claim for relief*

20 104. This paragraph incorporates the allegations of other paragraphs by
21 reference. The responses to those paragraphs are incorporated by reference.

22 105. The allegations about plaintiff's relationship with decedent are denied
23 for lack of information and belief. The remaining allegations are denied.

24 106. The allegations are denied.

25 107. The allegations are denied.

26 108. The allegations are denied.

27 109. The allegations are denied.

28 110. The allegations are denied.

1 *Seventh claim for relief*

2 111. This paragraph incorporates the allegations of other paragraphs by
3 reference. The responses to those paragraphs are incorporated by reference.

4 112. The allegations are denied.

5 113. The allegations are denied.

6 114. The allegations are denied.

7 115. The allegations are denied.

8 116. The allegations are denied.

9 117. The allegations are denied.

10 118. The allegations are denied.

11 119. The allegations are denied.

12 *Eighth claim for relief*

13 120. This paragraph incorporates the allegations of other paragraphs by
14 reference. The responses to those paragraphs are incorporated by reference.

15 121. The allegations are denied.

16 122. The allegations are denied.

17 123. The allegations are denied.

18 124. The allegations are denied.

19 125. The allegations are denied.

20 126. The allegations are denied.

21 127. The allegations are denied.

22 128. The allegations are denied.

23 *Ninth Claim for relief*

24 129. This paragraph incorporates the allegations of other paragraphs by
25 reference. The responses to those paragraphs are incorporated by reference.

26 130. The allegations are denied.

27 131. The allegations are denied.

28 132. The allegations are denied.

1 133. The allegations are denied.

2 134. The allegations are denied.

3 135. The allegations are denied.

4 136. The allegations are denied.

5 137. The allegations are denied.

6 *Tenth claim for relief*

7 138. This paragraph incorporates the allegations of other paragraphs by
8 reference. The responses to those paragraphs are incorporated by reference.

9 139. The court dismissed portions of these allegations. The remaining
10 allegations are denied.

11 140. The court dismissed portions of these allegations. The remaining
12 allegations are denied.

13 141. The court dismissed portions of these allegations. The remaining
14 allegations are denied.

15 142. The court dismissed portions of these allegations. The remaining
16 allegations are denied.

17 143. The allegations are denied.

18 144. The court dismissed portions of these allegations. The remaining
19 allegations are denied.

20 145. The court dismissed portions of these allegations. The remaining
21 allegations are denied.

22 146. The court dismissed portions of these allegations. The remaining
23 allegations are denied.

24 *Eleventh claim for relief*

25 147. This paragraph incorporates the allegations of other paragraphs by
26 reference. The responses to those paragraphs are incorporated by reference.

27 148. The allegations are denied.

28 149. The allegations are denied.

1 150. The allegations are denied.

2 151. The allegations are denied.

3 *Twelfth claim for relief*

4 152. This paragraph incorporates the allegations of other paragraphs by
5 reference. The responses to those paragraphs are incorporated by reference.

6 153. The allegations are denied.

7 154. It is admitted that Deputy Lycopulus used a Taser in response to
8 decedent's actions in self defense and in order to take him into custody. The
9 remaining allegations are denied.

10 155. It is admitted that Deputy Lycopulus used a baton in response to
11 decedent's actions in self defense and in order to take him into custody. The
12 remaining allegations are denied.

13 156. It is admitted that decedent eventually was handcuffed and that because
14 he continued to kick, a hobble strap was applied to his legs. The remaining
15 allegations are denied.

16 157. The allegations are denied.

17 158. This paragraph is vague as to time. It is admitted that decedent was
18 pronounced dead at a hospital. The remaining allegations are denied.

19 159. The allegations are denied.

20 160. The allegations are denied.

21 161. The allegations about plaintiff's relationship with decedent are denied
22 for lack of information and belief. The remaining allegations are denied.

23 162. The allegations about plaintiff's relationship with decedent are denied
24 for lack of information and belief. The remaining allegations are denied.

25 163. The allegations are denied.

26
27 **DEFENSES**

28 1. The second amended complaint, and each alleged claim for relief or cause

1 of action therein, fails to state a claim against defendants upon which relief can be
2 granted.

3 2. Without shifting the burden of pleading or proof, which is on the plaintiff,
4 actions at issue in this lawsuit were the result of or authorized by probable cause,
5 reasonable suspicion, exigent circumstances, and/or reasonable mistake of law or
6 fact.

7 3. Without shifting the burden of pleading or proof, which is on the plaintiff,
8 actions at issue in this lawsuit were the result of actions taken in self defense, in
9 defense of others, and in protection of the public.

10 4. There is a split of authority between the Ninth Circuit and every other
11 circuit about the requirements for pleading and prove a substantive due process
12 claim based on a death. To preserve this issue for appeal, defendant invokes the
13 rule of every other circuit.

14 5. Defendants are entitled to qualified immunity from suit.

15 6. Any and all events and happenings, injuries and damages, if any, referred
16 to in the complaint, were proximately caused and contributed to by the negligence
17 and misconduct of the decedent.

18 7. Defendants place at issue the provisions of California Civil Code § 1431,
19 limiting defendant's liability, if any, for non-economic damages by a direct
20 proportion to the percentage of fault as allocated by the trier of fact.

21 8. A public employee is entitled to any defense that would be available if he
22 or she were a private person. Government Code § 820.

23 9. Except as otherwise provided by statute, a public employee are not liable
24 for an injury resulting from his or her act or omission, where the act or omission
25 was the result of the exercise of the discretion vested in him or her, whether or not
26 such discretion be abused. Government Code § 820.2.

27 10. A public employee, and its employing public entity, are not liable for his
28 or her act or omission, exercising due care, in the execution or enforcement of any

1 law. Government Code § 820.4.

2 11. Factual and legal contentions which are not fairly reflected in the tort
3 claim are not preserved for litigation.

4
5 **PRAYER**

6 WHEREFORE, defendants pray that plaintiff's claims for relief be denied,
7 and that judgment be entered in favor of defendants and against plaintiff for cost of
8 suit, including defense costs and attorney's fees.

9 DATED: April 23, 2014

ARIAS & LOCKWOOD

10
11 By _____/s/
12 Christopher D. Lockwood
13 Attorneys for Defendants County of
14 Riverside, Stanley Sniff, Jeremy
Bracey, Ryan Harner, Carlos Vasquez,
Steven Lycopulus, and John Kehrier

15 **JURY DEMAND**

16 Defendants demand trial by jury.

17 DATED: April 23, 2014

ARIAS & LOCKWOOD

18
19 By _____/s/
20 Christopher D. Lockwood
21 Attorneys for Defendants County of
22 Riverside, Stanley Sniff, Jeremy
23 Bracey, Ryan Harner, Carlos Vasquez,
24 Steven Lycopulus, and John Kehrier
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